ITINERARY OF THE 'AS-YET-UNDISCLOSED-STATE-EVIDENCE'

The following pages of documents all deal with specific and related acts of non-disclosure by the Milwaukee law enforcement and prosecutors at the time of your Affiant's trial:

Document No. 1:

All documents relating to Milwaukee Police Department files in October 1988 about Edward J. Piscitello at that time he was re-opened as an informant to investigate Mohammad Binwalee and the Black Gangster Disciples and other criminal organizations in the Milwaukee area. (Aff. Heimermann at p.3) These documents are directly relevant and pertinent to the relationship Piscitello's shared with MPD officers, and these officers' own attestations to Piscitello's reliability and credibility when providing information. Such reports, too, stand to independently verify and confirm dates/times/meetings Piscitello's had with MPD that are referenced in his post-conviction affidavits.

Due to Piscitello having died in 2006, MPD officials no longer have an interest in secrecy related to these reports or in Piscitello's safety.

Document No. 2:

All documents relating to the Milwaukee Police Department about the March 21, 1989 arrest and release and fingerprint records for Anthony C. Bryant, which is an alias of Mohammad Binwalee. (Aff. Heimermann at p.4.) These reports are specifically relevant to: (a) MPD's over zealousness in their drug investigations throughout 1989; and (b) to establish that Debraska et al. disregarded Binwalee's arrest-warrant out of Cook County, Illinois for the July 2, 1988 murder of David Curry – a fact which would confirm Piscitello's accounts and their credibility.

Document No. 3:

All documents relating to Milwaukee Police Department files in reporting Edward J. Piscitello's contact with Scott A. Heimermann in April through August 1989 as an informant. (Aff. Heimermann at p. 5.) These documents stand to verify the chronology of events that Piscitello outlines in his post-conviction affidavits, and would confirm your Affiant was not a criminal or criminal in nature, validating both Piscitello's and your Affiant's statements that our Affiant is an unwilling participant in the events being dictated by MPD through Piscitello – and the role of MPD detectives Barry Debraska and Thomas Gorecki in the 1989 drug investigations and their relationship to Piscitello. The reports will also confirm detectives used Piscitello to manipulate your Affiant into buying the residence at 941 South 35th Street, using that property to pass information to them for the war on drugs, which generated Binwalee's and Russell's murders.

Document No. 4:

All documents reporting Edward J. Piscitello living at the apartment building at 2445 West Wisconsin Avenue in Milwaukee during April through May 1989 as an informant. (Aff. Heimermann at p. 4.) These documents stand to verify Piscitello's affidavits, insofar as his Milwaukee law enforcement handlers had authorized him to live in the same apartment building as Binwalee to engage in the criminal conduct alleged against Binwalee and his gang.

Document No. 5:

All documents reporting Edward J. Piscitello's contacts with Mohammad Binwalee at the apartment building located at 2445 West Wisconsin Avenue in Milwaukee during April through July 1989 as an informant. (Aff. Heimermann at p. 4.) These documents stand

to verify Piscitello's affidavits, insofar as his Milwaukee law enforcement handlers had authorized him to visit the same apartment building where Binwalee lived to engage in the criminal conduct alleged against Binwalee and his gang.

Document No. 6:

All documents relating to the Milwaukee Police Department about the July 1989 traffic arrest and release record for Mohammad Binwalee. (Aff. Heimermann at p. 5.) These reports are specifically relevant to: (a) MPD's over zealousness in their drug investigations; (b) to establish that Debraska et al. disregarded Binwalee's arrest-warrant out of Cook County, Illinois for the July 2, 1988 murder of David Curry – a fact which would confirm Piscitello's accounts and their credibility; and (c) to establish that Debraska et al. ignored the June 29, 1989 FBI Top Ten Most Wanted warrant for the murder of David Curry – again, a fact which would confirm Piscitello's accounts and their veracity.

Document No. 7:

All Milwaukee Police Department files that relate to the Milwaukee police being contacted in July 1989 by Scott A. Heimermann, where Mr. Heimermann reported on Edward J. Piscitello's ongoing propensity for violence during that time-line. (Aff. Heimermann at p. 6.) These reports are specifically relevant to: (a) Your Affiant's character and lack of motive to engage in criminal activity much less his willingness to be engaged in a double homicide; (b) Petitioner's credibility; and (c) MPD's protecting Piscitello and ignoring the warning signs of violence in order to pursue the war on drugs against Binwalee and his gang and other criminal organizations. As a residual matter, it also lends support to Piscitello's affidavit where he specifically attests to warning

Debraska of Joseph Isajiw's threats to Binwalee's life, as it illustrates a pattern by MPD for *only* becoming more and more concerned about zeroing in on Binwalee and his gang in the war on drugs – rather than investigate accusations that Piscitello and Isajiw had both threatened to "kill" Binwalee.

Document No. 8:

All files and/or supplemental police reports from Milwaukee police detectives Barry Debraska and/or Thomas Gorecki reporting on the status of the drug investigations and their efforts to ascertain the unexpected disappearance of Mohammad Binwalee during the course of the said drug investigations after the evening of August 19, 1989. (Aff. Heimermann at pp. 6-15.) These reports will confirm Piscitello's continued employment by Debraska et al. as a confidential informant after the homicides, potentially expose the fact Piscitello told Debraska of the homicides (making MPD aware of them prior to March 7, 1991, contrary to the perjured testimony of O'Keefe and Vitale), and shed credibility on Piscitello's affidavits.

Document No. 9:

All documents from IRS Special Agent Michael Spang to Milwaukee County Assistant District Attorney Jon N. Reddin, dated April 21, 1991, including information from Washington County (Wisconsin) detectives Robert Miotke, Mark Jansen and Jack Theusch reporting Edward J. Piscitello's contact with them in January 1991, where "immunity" was discussed *after* Piscitello confessed to actually committing the August 19, 1989 murders. (Aff. Heimermann at pp.10-12.) Such reports will illustrate: (a) that the August 19, 1989 homicides were known to law enforcement in January 1991; (b) precisely what Piscitello particularly discussed/revealed with/to them; (c) their counsel

to Piscitello about the homicides; and (d) will establish the veracity of Piscitello's affidavits.

Document No. 10.

All reports from the week of June 3, 1991 regarding Washington County detective Mark Jansen knowing about Edward J. Piscitello being one of the Binwalee and Russell murderers as of January 15, 1991. (Aff. Heimermann, Ex. 9 at 1.) Such reports will establish: (a) that Washington County detectives knew of the homicides before March 7, 1991; (b) what Piscitello particularly discussed/revealed with/to them; (c) their counsel about the homicides; and (d) will confirm the truth of Piscitello's affidavits.

Document No. 11:

All inter-departmental reports from January 14, 1991 to March 7, 1991 between Milwaukee police detective Barry Debraska and IRS Special Agent Michael Spang known about the August 19, 1989 murders and the continued use of Edward J. Piscitello as an informant. (Aff. Heimermann at pp.10-15.) Such reports will establish that: (a) both Spang and Debraska knew of the homicides before March 7, 1991; (b) what information they shared about the homicides and Piscitello's role in them; (c) their continued intent to use Piscitello as an informant, even though they already knew he had killed Binwalee and Russell; and (d) will independently verify Piscitello's affidavits veracity.

Document No. 12:

All reports from Milwaukee police detectives Barry Debraska and Thomas Gorecki from October 1988 to March 7, 1991, which reports on the status of their efforts to continue to develop Edward J. Piscitello as an informant during that period. (Aff. Heimermann at

pp. 3-15.) These documents stand to verify Piscitello's affidavits, insofar as his Milwaukee law enforcement handlers had authorized him to engage in the criminal conduct alleged herein.

Document No. 13:

All March 1991 documents that relate to the polygraph questions administered by polygraphist Richard Heath of the Milwaukee County District Attorney's Office, and those test results with Edward J. Piscitello after Piscitello had already eliminated Scott A. Heimermann as a participant in the August 19, 1989 murders. (Aff. Heimermann at p. 18.) Such reports will factually illustrate: (a) what questions were asked; (b) who asked/drafted the polygraph questions; (c) the full extent of Piscitello's confession; (d) evidence which confirmed that your Affiant was *not* a participant in those murders at any stage; (e) Piscitello was truthful with regard to such evidence; (f) Piscitello received immunity; and (g) Piscitello was placed in protective custody witness protection as a career informant.

Document No. 14:

All information in the March 14, 1991 Customs Form 191 from U.S. Customs Agent Buford E. Gates which reports on that date's conversations by Milwaukee police detectives Brian O'Keefe and Paul Stuhmer about Edward J. Piscitello at the time he was an informant and regarding the August 19, 1989 homicides. (Aff. Heimermann at pp. 19,36.) Such reports will confirm Gates' testimony in Appendix (at App.133a; 164a,¶2) about his March 14, 1991 visit with Brian O'Keefe and Paul Stuhmer about Piscitello, and factually contradict the allegations Stuhmer and O'Keefe made against Gates in 1994 to Customs Internal affairs agents – lending credibility to the Gates' theory that O'Keefe

and Stuhmer were "covering up" details of the Binwalee-Russell homicides to protect Debraska.

Document No. 15:

All documents from Milwaukee police detective Brian O'Keefe reporting his alleged phone contact with Joanne Danbrova on the day of the April 15, 1991 arrest warrant proceedings. (Aff. Heimermann at pp. 23-24.) Such reports, or absence thereof, will confirm or repudiate O'Keefe's arrest warrant testimony, indisputably and factually proving his perjury.

Document No. 16:

All information around April 21, 1991 from U.S. Customs Special Agent Buford E. Gates to Milwaukee County Assistant District Attorney Jon N. Reddin reporting the misconduct of Milwaukee police detective Barry Debraska, one of Edward J. Piscitello's go-to Milwaukee Drug Unit Handlers on the night of the August 19, 1989 murders. (Aff. Heimermann at p. 11; Petition App. 174a,¶1.) Such reports will factually illustrate what MPD officials did with Gates' complaints. Such information is relevant as Reddin, from beginning to end, was intimately involved in the misconduct in your Affiant's case and will illustrate the lengths to which Reddin and other assigned prosecutors went to conceal the cover up and corruption of Milwaukee law enforcement in this case.

Document No. 17:

The April 22, 1991 administrative complaint from Milwaukee Attorney Peter N. Flessas to Milwaukee Police Chief Philip Arreola in response to Milwaukee police keeping Scott A. Heimermann from seeing Attorney Flessas, and all information known by the Milwaukee Police Department's Internal Affair's Unit about the outcome of that alleged

investigation's developments. (Aff. Heimermann, Ex. 10 at 16.) Such reports, again, will illustrate what MPD officials did with complaints filed by a respected attorney regarding MPD's treatment of him and your Affiant upon arrival from Fort Lauderdale, Florida in Milwaukee on April 22, 1991.

Document No. 18:

All information contained in the October 11, 1994 Internal Affairs report submitted by U.S. Customs Special Agent Buford E. Gates which reports on Edward J. Piscitello contacting Milwaukee Police Department officers in "late 1990 or early 1991" and "advise of the two murders." (Aff. Heimermann at p. 11,36.) Such reports will illustrate MPD officials knew of the homicides prior to March 7, 1991 and ignored them, will confirm Piscitello's affidavits veracity, and will illustrate why criminal proceedings against your Affiant were contrived through deliberate fabricated evidence to frame and convict your Affiant of the homicides.

Document No. 19:

All information which shows that the local United States Attorney's office and Jon N. Reddin, then-Assistant District Attorney with the Milwaukee County District Attorney's office, were asked in 1994 to open an investigation and charge U.S. Customs Agent Buford E. Gates with a crime related to covering up the August 19, 1989 murders of Mohammad Binwalee and Dion Russell. (Aff. Heimermann at p. 37.) Such information is relevant as it will factually illustrate that the local United States Attorney at the time was Thomas P. Schneider, the former Deputy Chief from the Milwaukee County District Attorney's office in 1991 before he was appointed to the local United States Attorney post. (Aff. Heimermann at p. 41.) Such information will further illustrate that Schneider

and Reddin both "declined" to open an investigation into Milwaukee law enforcement covering up the murders years later because they were continuing to take affirmative steps – even *after* your Affiant's convictions -- to ensure your Affiant would not obtain exonerating post-conviction relief and Milwaukee law enforcement's dealings with Piscitello in the murders would not come to light. (Aff. Heimermann at p. 37.) Finally, such information will shed light on how Schneider and Reddin declined to review a *double murder case* and expand the cover up of the said murder investigation, and it involving Binwalee's and Russell's murders which were predicated on Milwaukee law enforcement's cover up.

Document No. 20:

The June 19, 1996 administrative complaint and all attached exhibits (with lifted redactions) from U.S. Customs Special Agent Buford E. Gates to Milwaukee Police Chief Philip Arreola in response to the deliberate fabrication of evidence perpetrated against Gates by Milwaukee police detectives Brian O'Keefe, Paul Stuhmer and Barry Debraska, and all information known by the Milwaukee Police Department's Internal Affair's Unit about the outcome of the alleged investigation's developments. (Aff. Heimermann at pp. 8,11,38.) Such reports will factually illustrate what MPD officials did with Gates' complaints. Again, such information is relevant as Reddin, from beginning to end, was intimately involved in the misconduct in your Affiant's case and will illustrate the lengths to which Reddin and other prosecutors went to continue to conceal the cover up and corruption of Milwaukee law enforcement -- even *after* your Affiant's convictions in this case.

The above-referenced 'as-yet-undisclosed-state-evidence' that might preclude the need for an evidentiary hearing – still being wrongfully withheld by the Milwaukee law enforcement and prosecutors – is directly relevant to determining whether the Milwaukee law enforcement and prosecutors violated (*inter alia*) the Eighth and Fourteenth Amendments by deliberately fabricating evidence against your Affiant in order to scapegoat him for the August 19, 1989 homicides and deprive him of his liberty. These documents are also specifically relevant and pertinent to establishing the truth and veracity of Piscitello's affidavits which in large measure have exposed the degree of cover up and corruption perpetrated by Milwaukee law enforcement and prosecutors in this case. Your Affiant's affidavit and exhibits annexed hereto, in conjunction with the Petition for Extraordinary Writ of Habeas Corpus and Appendix, already extensively attest to the truth and veracity of Piscitello's affidavits: the above-referenced 'as-yet-undisclosed-state-evidence' requested stand to independently verify and corroborate the portions of Piscitello's affidavits not already independently confirmed. For your Affiant to present Piscitello's affidavits in support of his innocence, your Affiant must provide the Court with proof of the affidavits credibility. This 'as-yet-undisclosed-state-evidence' bears directly upon that credibility.

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